

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY PRATT,

Plaintiff,

- against -

CITY OF NEW YORK ET AL.,

Defendants.

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11 Civ. 8355 (JGK)

MEMORANDUM OPINION AND  
ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached correspondence from the plaintiff. By the attached order dated May 28, 2013, this Court granted the plaintiff's request to extend the deadlines in the April 23, 2013 Civil Scheduling Order by 30 days. Accordingly, the revised schedule is as follows:

**Discovery:** Except for good cause shown, all discovery shall be commenced in time to be completed by **October 20, 2013**. The Court expects discovery to be completed within 60 days of the first scheduling conference unless, after the expiration of that 60 day period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to complete discovery. The expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be made at least 30 days before the completion of discovery.

**Dispositive Motions:\*** Dispositive motions, if any, are to be completed by **November 11, 2013**. The parties are advised to comply with the Court's Individual Practice 2(B) regarding motions, and to submit one fully briefed set of courtesy copies to the Court.

**Pretrial Order/Motions in Limine:\*** A joint pretrial order, together with any motions in limine or motions to bifurcate, shall be submitted by **December 6, 2013**. The pretrial order shall conform to the Court's Form Joint Pretrial Order, a copy of which may be obtained from the Deputy Clerk.

**Trial:\*** The parties shall be ready for trial on **48** hours notice on or after **January 3, 2014**. The estimated trial time is **4** days, and this a **jury trial**.

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\* **Note:** In the event a **dispositive motion** is made, the dates for submitting the **Joint Pretrial Order** (together with Memoranda of Law, Requests to Charge, Proposed Voir Dire, Proposed Findings of Fact and Conclusions of Law, as appropriate) shall be changed from that shown above to **three (3) weeks** from the decision on the motion. The **ready trial date** shall be adjourned to a date **four (4) weeks** after the decision on the dispositive motion. The final pretrial conference, if any, will be scheduled by the Deputy Clerk.

At any time **after the ready for trial date**, counsel must notify the Court and their adversaries in writing of any potential scheduling conflicts, including, but not limited to, trials and vacations, that would prevent a trial at a particular time. Such notice must come **before** counsel are notified by the Court of an **actual trial date, not after**. Counsel should notify the Court and all other counsel in writing, at the earliest possible time of any particular scheduling problems involving out-of-town witnesses or other exigencies.

The plaintiff has also requested the appointment of counsel. The application to appoint counsel is **denied without prejudice** for failure to make the required showing. The Court of Appeals for the Second Circuit has articulated factors that should guide the Court's discretion to appoint counsel to represent an indigent civil litigant under 28 U.S.C. § 1915. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986); Jackson v. Moscicki, No. 99 Civ. 2427 (JGK), 2000 WL 511642, at \*4 (S.D.N.Y. Apr. 27, 2000). For the Court to order the appointment of counsel, the plaintiff must, as a threshold matter, demonstrate that her claim has substance or a likelihood of success on the merits. See Hodge, 802 F.2d at 60-61. Only then can the Court consider the other factors appropriate to determination of whether counsel should be appointed: "plaintiff's ability to obtain representation independently, and [her] ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity." Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989). The plaintiff has not made such a showing.

The plaintiff's application for the Court to appoint counsel is therefore **denied without prejudice** for failure to make the required showing at this time.

**SO ORDERED.**

**Dated: New York, New York  
August 6, 2013**

\_\_\_\_\_/s/\_\_\_\_\_  
**John G. Koeltl**  
**United States District Judge**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANTHONY PRATT,

Plaintiff,

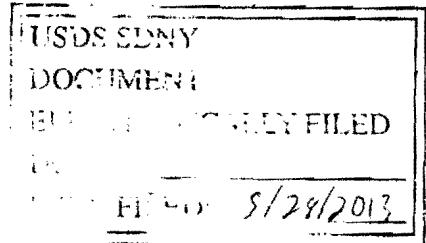
- against -

CITY OF NEW YORK ET AL.,

Defendants.

11 Civ. 8355 (JGK)

ORDER




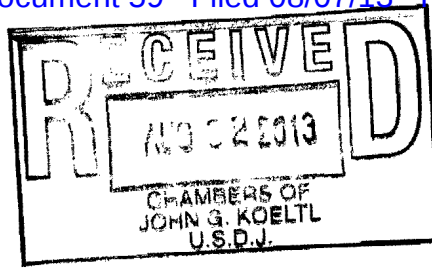
JOHN G. KOELTL, District Judge:

The Court has received the attached correspondence from the plaintiff. The plaintiff seeks a 30-day extension of the deadlines in the April 24, 2013 scheduling order because he did not receive the April 24, 2013 scheduling order despite his diligent efforts. The plaintiff's request is **granted**. Accordingly, all dates in the April 24, 2013 scheduling order are extended by 30 days.

SO ORDERED.

Dated: New York, New York  
May 28, 2013

  
John G. Koeltl  
United States District Judge



**United States District Court  
For the Southern District of New York**

**Anthony Pratt**

**Plaintiff**

**11-Civ.8355 (JGK)**

**- Against-**

**City of New York, at.al., Defendants**

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Dear Sir,

With all due respect, I am the above Plaintiff in this ongoing civil matter. I'm writing you once again because I wrote you a letter dated May 23, 2013, requesting a 30 day extension for my case scheduling order. However, I never received a response from the court or the defendants in this matter. Secondly, I would like to inform the court that I was scheduled for a settlement hearing in June 2013. I arrived at court on time and waited for over an hour outside the court room and finally I asked the clerk's office about my status and I was informed from the clerk's office that my case hearing was rescheduled. I have not received notice of why the hearing was rescheduled. As of this day, I still have not received notice about this case. Third, I have called the ProSe Office several times about the proceedings and was told that there's nothing scheduled on the court calendar concerning my case.

Your Honor, it appears that the Defendant's Attorney's are not following the Civil Procedure of this Court. I'm requesting the court to notify the defendants that the plaintiff should receive any information concerning this matter when there's a change in any scheduling order that is requested to the court about my case. I emphasize to Your Honor that the defendants' attorney has not been following the rules according to the Federal Rule and Procedures of the Court.

As of this day, I have not received any information concerning the status of my case. Please inform me as to what is the status of my case. Because of the ongoing problems with the defendants, I have come to the conclusion that I should be represented by an attorney or a court mediator. I am request Your Honor to appoint me a Pro Bono Attorney so I can settle this matter without future problems.

Thank you very much in advance and I deeply appreciate if you would please grant me my request.

cc Attorney for Defendants  
Caleb Charles Hagopian  
100 Church Street  
New York, N.Y. 10007

July 28<sup>th</sup>,2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mr. Anthony Pratt". The signature is fluid and cursive, with a large initial "M" and a stylized "P".

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Anthony PRATT

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

- against -

City of New York, et al.

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

J G K

11 Civ. 8355 (JGK)

AFFIRMATION OF SERVICE

I, Anthony PRATT, declare under penalty of perjury that I have  
(name)

served a copy of the attached letter to Justice John G. Koeltt - And  
(document you are serving)  
cc. Anthony C. Hagopian  
upon US District Court of the Southern District whose address is 500 Pearl St.  
(name of person served)  
N.Y. N.Y. 10007

by US Post office Mail (where you served document)  
(how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: July 28, 13  
(town/city) (state)  
July 28, 2013  
(month) (day) (year)

Anthony Pratt  
Signature  
419 E 93 St. Apt # 10 J  
Address  
N.Y. C. N.Y. 10128  
City, State  
10128  
Zip Code  
N/A  
Telephone Number